

United States District Court  
Eastern District of California

Charles B. Ford,

Petitioner,

vs.

A. P. Kane, Warden,

Respondent.

No. Civ. S 05-0366 MCE PAN P

Order

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Petitioner, a state prisoner proceeding without counsel, applied for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and requested leave to proceed in forma pauperis.

Examination of the in forma pauperis affidavit reveals petitioner is unable to afford the costs of suit. Leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

A judge "entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted,

1 unless it appears from the application that the applicant or  
2 person detained is not entitled thereto." 28 U.S.C. § 2243.  
3 Petitioner may be entitled to relief.

4 I therefore grant petitioner's request to proceed in forma  
5 pauperis and direct respondent to respond to petitioner's  
6 application within 60 days. See Rule 4, Fed. R. Governing § 2254  
7 Cases. An answer shall be accompanied by any and all transcripts  
8 or other documents relevant to the determination of the issues  
9 presented in the application. See Rule 5, Fed. R. Governing §  
10 2254 Cases. Petitioner's reply, if any, shall be filed and  
11 served within 30 days of service of an answer. If the response  
12 to petitioner's application is a motion, petitioner's opposition  
13 or statement of non-opposition shall be filed and served within  
14 30 days of service of the motion, and respondent's reply, if any,  
15 shall be filed within 15 days thereafter. The Clerk of the Court  
16 shall serve a copy of this order together with a copy of  
17 petitioner's February 24, 2005, petition for a writ of habeas  
18 corpus pursuant to 28 U.S.C. § 2254 on Jo Graves, Attorney  
19 General for the State of California.

20 Dated: June 2, 2005.

21 /s/ Peter A. Nowinski

22 PETER A. NOWINSKI  
23 Magistrate Judge  
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